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BADRINATH TEMPLE
QUESTION OF TRANSFER

MADAN MOHAN MALAVIYA.

BADRINATH TEMPLE

QUESTION OF TRANSFER OF JURISDICTION

I published an appeal, for reasons given therein, in the Leader of July 31, 1933, urging the followers of Sanatan Dharma to welcome and support the proposal that jurisdiction over the area of Badrinath temple should be re-transferred to the Tehri State. In the Leader dated August 13, there appeared a letter from Pandit Tara Datt Gairola commenting on my appeal and opposing the transfer. Mr. B. N. Sharga has published a pamphlet in which the same points have been raised as were raised in the said letter, and some more. This pamphlet has been addressed to the members of the U. P. Dharma Rakshan Sabha, Hindu Acharyas and Leaders, and members of Legislatures. On the other hand a number of Sadhus and other responsible persons have written to me to support what I said, and to express their dis-approval of what the opponents of the proposal have said. In view of the importance of the question, I have gone into all this literature and have obtained information from the Tehri Darbar itself on many of the points which have been urged against it. I thank the Darbar and all those who have been good enough to supply me with all this information. All this study has confirmed the opinion I expressed in the Leader of 31st July last that in the interests of truth and justice, and for the satisfactory future management of the Badrinath temple, the area of Puri Badrinath should be re-transferred to the Tehri State. I deem it my duty to place before those whom it may concern the result of my further study of the question and to deal with the main objections which have been raised against the proposed transfer. I much regret that owing to my health and the pressure of other work, I could not prepare this note earlier.

2. Mr. Sharga has asserted that since the restoration of Tehri Garhwal to the old Panwar dynasty, a little over a century ago, the Puri and temple of Sri Badrinath were, along with other territory, *voluntarily* ceded to the British by Raja Sudarshan Shah. This is not correct. Raja Sudarshan Shah was most unwilling to part with the area of Puri Badrinath. He agreed to do so because the British Government which had helped him to recover his lost kingdom from the Gurkhas of Nepal, insisted on including it in the

territory to be ceded to it in lieu of the help given. But he agreed only when the Government gave the Raja the assurance that it would leave the religious and financial administration of the temple to the Tehri Darbar. The Government respected this assurance for nearly a century, until in consequence of the enactment of the Code of Civil Procedure, which was extended to the whole of British India and therefore also to British Garhwal in which the temple of Badrinath lay, the Raja was advised that he could thereafter be regarded only as a Trustee of the temple, liable to be sued in a court in British Garhwal like any other subject residing in British India. This involved a lowering of the status of the Ruler of Tehri, and to avoid this and the other complications involved in it, under legal advice, the Raja agreed to the scheme, which on a suit filed at the instance of the Government, the High Court of Kumaun passed in 1899, and under which the Rawal who was the Raja's nominee, was, subject to certain conditions, made the Trustee of the temple. These being the facts, it is a wrong to the memory of Raja Sudarshan Shah to say that he *voluntarily ceded* the area of Puri Badrinath to the British Government.

3. Mr. Gairola has said that there is no historical or documentary evidence to prove that the control of the Badrinath temple has been in the hands of the Tehri Darbar since the time of Raja Kanak Pal (688 A. D.). But in the Manual of Titles in U. P., published by the authority of the U. P. Government, it is stated on page 12: "The rulers of Garhwal are Panwar Kshatriyas of Agni Bans. The first ruler of the line was Raja Kanak Pal who came to Northern India from Gujarat (Ahmadabad) in 688 A. D. Raja Bhanu Pratap of the solar race who was at that time the ruler of Kedarkhand (as Garhwal was then called) gave his only daughter in marriage to Kanak Pal and left him in possession of his ancestral estates, himself retiring into the Himalayas to spend his life in contemplation." A complete genealogical table of the past rulers of Garhwal from 688 A. D., with the respective dates of their demise, is given in the Manual. This has been accepted by Government as worthy of credence. Also on page 446 of Atkinson's Gazetteer Vol. II., the same list of Garhwal Rajas, compiled from documentary evidence by Mr. Backett, the Settlement Officer of Garhwal, is given. In both of them the first Garhwal Raja Kanak Pal, is shown to have died in 699 A. D. at the age of 51, after having reigned for 11 years

(from 688 A. D.). This may well be regarded as sufficient to support the claim of the Tehri State of their connection with the Badrinath temple since 688 A. D. when the Panwar dynasty succeeded the Katura dynasty of which the last ruler in Garhwal was Raja Bhanu Pratap. But even if it be not, that cannot affect the question at issue. Mr. Gairola himself says: "The ancestors of the Raja of Tehri extended their dominion over the whole of Garhwal, including Badrinath, in the thirteenth century, since when their control of Badrinath, Kedarnath and other important temples of Garhwal dates." Even if we assume that this statement is correct, a connection with the temple extending over six centuries is hoary enough to command respect and to lend support to the request of the Tehri Darbar for a re-transfer to it of Puri Badrinath.

4. But says Mr. Gairola; "After the advent of the British rule the control of Badrinath and other temples in British Garhwal was vested in the Board of Revenue under the Bengal Regulation XIX of 1810".....and he further says: "Though under the Religious Endowments Act of 1863, Government withdrew its connection with temples and mosques in British India, Badrinath continued under the control of the revenue authorities up to the framing of the scheme of management by the Kumaun High Court in 1899." Both the statements are incorrect. As has been said above at the time the area of Badrinath temple was ceded to it, the British Government agreed to leave the religious and financial control of the Badrinath temple to the Tehri Darbar, and it did so leave it. In matters of semi-religious and semi-civil nature, the British District authorities and the Tehri Darbar acted in co-operation. In matters purely civil, the Tehri Darbar had no hand. Under this arrangement the Rawal, *i. e.* the Pujari of the temple, continued to be installed as such by the Tehri Darbar with the traditional religious ceremonies. After he had been so installed, he received a *sanad* from the British Commissioner, so that his status in secular affairs may be recognised. This lasted till the year 1896 or 1897. About that time it struck some one that by reason of the extension of the Civil Procedure Code to British Garhwal, the position of the Tehri Darbar in relation to the temple had become that of a Trustee. This position was not acceptable to the Tehri Darbar, and at the instance of the Government a scheme of management was consequently framed on 19th January 1899, by the High Court of Kumaun, for

the future management of the temple. This scheme was found defective, so it was proposed to revise it. At that time, the then Rawal, Purushottam, who had held the office of Rawal for about fifty years, *i. e.*, for nearly more than half the period of British administration in Garhwal, made a representation to the Political Agent in which he described the practice which had been followed throughout the period of British administration, *i. e.*, even when the temple area had ceased to be a part of Tehri State. I give below a translation of the said representation. It throws much light on the question under discussion. It ran as follows:—

“In the Court of R. I. Humblin, Esq., Commissioner and Judge, High Court, Kumaun Division, dated 2. 11. 1899.

CIVIL SUIT No. 6 OF 1899.

The Deputy Commissioner, District Garhwal—Plaintiff.
Purushottam Rawal, Badrinath Temple—Defendent.
After usual compliments.

“I beg to state that I sent a letter to you on the 10th instant. At that time I was unwell, and could not get an occasion to deliberate over the matter in all respects. I therefore request that the following submission after being taken into full consideration may be accepted which will place me under a great obligation:—

(1) As I had submitted last year, on account of old age I was unable to conduct the management, or else I would not have relinquished charge of it before.

(2) The Naib Rawal [who, according to the practice established by the Adi Guru Shankaracharya, must be a Nambudri Brahman from South India] must necessarily be a new man and a foreigner. He will take years to pick up the language of these parts. It is difficult to say how long he will take to acquire a working knowledge of the affairs of the temple, and *it appears undesirable to entrust the management of so much property to an outsider without control by Government. But on account of this being a religious matter, the British Government has never before interfered, nor will it ever interfere in future. It is, therefore, prayed that I, and after me the Naib Rawal, may be entrusted with the duty of conducting the worship only and all other control be vested in the Tehri Darbar.* By so doing not only I and

others connected with the temple but the entire Hindu public will bless you and sing your praises. *This will conduce to the benefit of the temple and of us all.*

3. Formerly, so long as the ancestors of the Maharaja of Tehri ruled from Srinagar, the Srinagar Darbar was the sole master in every way. *Under the British Administration also the Tehri Darbar continued and still continues, to appoint and instal the Rawal and the Naib Rawal, and also to appoint the Vazir Likhour and other servants of the temple staff. I was also given Tilak and Khilat by the Tehri Darbar. The Tehri Darbar should continue to exercise the control according to past custom and practice.*

4. *The auspicious date for the opening of the temple also still continues to be fixed by the Tehri Darbar. Every year the Tehri Darbar Purohit comes to open the doors of the temple and all expenses connected with the ceremony are borne by the Tehri Darbar.*

5. The Tehri Darbar should appoint an able manager. The audit and inspection of accounts should be conducted on behalf of the Tehri Darbar in accordance with the scheme of 19th January 1899.”

RAWAL PURUSHOTTAM,
Badrinath Temple.

(The Italics are mine).

It has been said by Mr. Gairola that there is no proof whatever that in 1815 the British Government assured the Raja (of Tehri) that it would leave the religious and financial control of Badrinath Puri in the hands of the Tehri Rulers. What could be better evidence of the fact than the statement of the late Rawal quoted above of the practice which actually prevailed for fifty years? He had personal knowledge of that practice extending over a period of half a century. His letter was addressed to the officers of Government who knew what the practice had been, and he had no interest left in the matter except that of truth and justice and of the good management of the temple. His evidence is therefore unimpeachable, and being so it ought to be regarded as conclusive. It is supported by the statement of the Tehri Darbar itself that from the time the area of Badrinath became British territory, the British Government left the religious and financial management of the temple affairs in the hands

of the Darbar. And the British Government itself can best support the statement of Purushottam Rawal and of the Tehri Darbar.

5. The revised scheme of management for the Badrinath temple was laid down in November 1899. A glance at it shows that even in this scheme the position of the Tehri Darbar *vis-a-vis* the temple, is clearly recognised, to the extent it was then thought practicable in the circumstances of the case, in the following provisions:—(1) that “the Rawal is to appoint a Naib Rawal who will succeed him, with the approval of the Tehri Darbar”; (2) that “in case of failure by the Rawal to appoint a Naib Rawal within one year of a vacancy occurring, the Tehri Darbar is to appoint a Naib Rawal”; (3) that though the Rawal is declared “the Trustee of the temple and its property and the entire management is entrusted to him, in cases of difficulty he is to refer for advice to the Tehri Darbar”; (4) that “the Rawal is to keep suitable accounts of all receipts and expenditure both in money and goods, and to send them for approval annually to the Tehri Darbar after the temple is closed, and when requested to do so by the Darbar”; and (5) that “the Rawal shall, subject to the approval, or with the assistance of the Darbar, arrange for the safe custody and disposal of cash receipts and non-perishable valuables of the temple not required in temple worship.”

The Tehri Rulers have endowed a large number of villages to enable the worship of Sri Badrinathji to be carried on satisfactorily. In addition to this the Tehri Darbar have undertaken with solemn vows to meet any deficit in the annual expenditure of the temples. Consequently whenever there is any necessity for it, the Rawal applies to the Tehri Darbar for monetary help. An important instance of this happened in 1927, when the Rawal reported to the Tehri Darbar that there were no funds left to conduct the worship and asked for the grant of Rs. 5000/- from the Dewan, in the absence of His Highness the Raja of Tehri-Garhwal in England, which was accordingly made in fulfilment of past pledges as a matter of course. In a subsequent year Rs. 1,000/- was similarly contributed.

Further. It is important to remember that the Tehri Darbar gives the Tilak to the Rawal on his appointment, and the doors of the temple are not opened at the commencement of pilgrim season unless and until the Tehri Darbar fixes a date for the ceremony and sends his own family Purohit as his representative to do so.

6. Both the critics referred to above have been at much pains to show that the statement of the Dewan of Tehri that the Tehri rulers endowed a large number of villages for the worship of Sri Badrinath is incorrect. But the Dewan's statement is fully supported by what is recorded in the Garhwal Gazetteer at page 104, where it is stated: “The term ‘Gunth’ signifies assignment of land revenue made for the maintenance of the great temples of Garhwal. Such assignments made under the Hindu Rajas were very large, and nearly all were upheld by the Gurkhas and the British.” Further in Pauw's Settlement Report at page 39, it is stated: “The term ‘Gunth’ by which all assignments of land made to religious establishments are now designated, is of comparatively recent introduction, dating only from the time of the Gurkhas, the older names by which such endowments were known being the ordinary Hindu words ‘Sankalp’ and ‘Vishnuprit’. The number of religious assignments of this description made by the native kings was exceedingly numerous, comprising either the whole or part of several hundred villages in Garhwal alone. The grants were almost all upheld by the Gurkhas and also by the British Government.” Further on Pauw's Settlement Report says: “No revenue appears to have ever been taken by the Garhwal Rajas from the villages in the Mana Pass. These were from the first granted in religious assignments to the temple of Badrinath which is situated in the pass.”

7. Mr. Sharga has tried to raise a doubt over this point by quoting a statement of one J. B. Fraser, who he says made a tour of the Himalayas soon after the Gurkha expulsion, to the effect that the Rajas of Srinagar (Garhwal) were in the habit of taking loans from the temple, in cases of emergency, which were never repaid. But it appears from pages 370, 372, 376 and 409 of Fraser's Journal, that Mr. Fraser never himself visited the country which is now known as British Garhwal, and that the above remark was only a quotation from an article contributed to the Asiatic researches by Webb and Raper, travellers who passed through that country in the year 1808 A. D. during the Gurkha occupation, and who presumably derived their information from the Gurkhas who were enemies of the old Garhwal Rajas. Such remarks and the fact of their having been quoted by earlier British writers, cannot in the nature of things, have much historical value unless they are supported by independent enquiries. They were found to be without any foundation when the record of rights of old Gunth, Jagir and Sadabart villages were

prepared by British Settlement Officers on the basis of documentary evidence which proved conclusively that all the Gunth villages given by the Garhwal Rajas were Sankalp or Vishnuprit (free religious gift) villages and not villages assigned to the temple in payment of a loan. Besides, if the Badrinath Gunth villages be treated as having been assigned in payment of a loan or as mortgages, what explanation could be offered for the very large number of villages at present situated both in British and State Garhwal which are endowed to the temple of Sri Kedarnathji or Sri Kamleshwarji in British Garhwal? After completing his labours in connection with the Garhwal Sub-Committee, Mr. Sharga himself wrote on the 10th January 1929 to the Secretary of the Sub-Committee: "You have forgotten that the entire endowment of Sri Badrinath temple is due to the munificence of the Tehri Darbar which even now makes large monetary grants to the temple almost every year." In para 6 of his pamphlet Mr. Sharga says that the statement that the Tehri Rulers endowed a large number of villages known as Sadabart villages finds no support from any independent authority. But it is stated in Mr. Pauw's Settlement Report at pages 41-42, that a whole estate known as "Kholea Estate" was given as Sadabart grant by the Srinagar Rajas."

8. The same writer has also quoted from a report of Traill made in 1823 in which it was said that of the 226 villages in Garhwal and 56 in Kumaun belonging to the temple many were assigned in satisfaction of loans. But the history of the grant of every village which is recorded in the village wazibularz has established it beyond cavil or dispute that the villages were pure and simple religious grants.

9. I have already drawn attention to the fact that the author of the pamphlet himself wrote in 1929, as a member of the Garhwal Sub-Committee of the U. P. Endowments Committee, that "the Tehri Darbar even now makes large monetary grants to the temple almost every year." He has admitted that in 1927 the Tehri Darbar sent Rs. 5,000/- to the Rawal as he threatened to stop the Puja for want of money, and yet he seems to be unwilling to give credit for that payment to the Tehri Darbar. He says: "Now as regards the payment of Rs. 6,000/- the Dewan is discreetly silent, whether it was a gift or a loan, or the repayment of a loan." Mr. Sharga evidently did not ask the Dewan to say what the nature of the payment was, and yet he has asserted it as a fact that this amount of "Rs. 5,000/- was the

first and the only payment out of the interest of the deposit, made on behalf of the temple during the time of the late Maharaja Sir Kirti Shah." In saying so he is quite wrong. I have ascertained from the Tehri Government, that 3½ per cent Government promissory notes of the years 1842-43, 1854-55 and 1865 of the total face value of Rs. 51,000/- were purchased and have been kept in the Temple account in safe custody in the Bank, with accumulated interest amounting to Rs. 63,870-9-2, added to that account, as a permanent investment to meet the temple expenses in case of a grave emergency, for instance when the Tehri Darbar has not funds of its own, to discharge its self-imposed obligation of providing funds when the income of the temple from offerings runs short of expenditure that has to be incurred. I have also been informed by the Darbar that no necessity has so far arisen for spending a single pie out of this amount. The sums of Rs. 5,000/- and Rs. 1,000/- which the Dewan sent to the Rawal were pure gifts and not in repayment of interest or of a loan, for no loan existed. It is said that during Mr. Becketts Settlement of Garhwal some Gunth villages were purchased by Government, and it was decided by the Tehri Darbar to keep the price received as a permanent investment, but I am told that the old records relating to this transaction have been destroyed and no authentic documentary evidence is now available.

10. The same critic has laboured to show that Sri Badrinathji is not the family deity of the Tehri rulers. This is a glaringly incorrect statement. A cursory glance at the Tehri State crest which consists of two eagles, the carriers of Vishnu, विष्णुवाहन supporting the State shield containing the Turi of Sri Siddhanathji, who is believed by the orthodox in the State to be Badrinath's incarnation, with the motto at the bottom पक्षोयो शरणमहम् 'I am under the protection of the eagles' makes this absolutely clear. It is also important to mention that the State flag presented by Queen Victoria to the Tehri Darbar contains the same crest, (the emblem of Sri Badrinathji supported by eagles). It is true that the Tehri rulers have been worshipping the goddess also. But the Devi is worshipped as the manifestation of the glory of God—Sri Badrinathji. Countless millions of Vaishnavas worship the Devi as well as the Lord-God Vishnu. It is entirely wrong to say that a Vaishnava cannot also be a worshipper of the Devi. It is also not a fact that the Tehri rulers are Shaktas. They are Smartas.

11. The same critic has asserted that the Tehri ruler is not known as 'Bolanda Badrinath.' As against this it will be sufficient to mention that I have been informed that when a deputation waited on His Excellency the Governor of the U. P. on September 6, 1932, among other things the President mentioned to His Excellency that in Garhwal His Highness was known as 'Bolanda Badrinath', and in reply to that His Excellency remarked "Government were aware of this." So far as I have been able to find out no ruler of Tehri ever claimed to be the incarnation of Badrinath. They have always described themselves as his humble devotees **बद्रीशचर्या परायण** devoted to the service of Badrinath. Also in a coin of the Tehri State of the Samvat 1757 there is the inscription **बद्रीनाथ कृपया मुद्रा जगति राजते** 'by the grace of Badrinath this coin holds currency in the world.' The Raja of Tehri is called 'Bolanda Badrinath' by the public probably because they believe that it is through him that Sri Badrinath speaks.

Among many other ceremonies which His Highness is required to perform or control, the most important is the invocation, as it is called, of Sri Badrinathji from his **समाधि** or **ध्यान अवस्था** after a period of six months, during which it is not possible to conduct Pooja or offer Bhog on account of the snow, by the rubbing of the oil which is prepared in the palace by the Maharanees after religious ceremonies and conducted to the Puri with great pomp. This ceremony is regarded as a shortened form of **प्राण प्रतिष्ठा**, the invoking of life. These and many other duties have to be performed according to Sri Badrinath Paddhati—Code of worship—by His Highness, through which the existence of the State has become identified with that of the Temple.

12. Mr. Sharga has asserted that the Tehri Darbar has imposed a heavy import tax on pilgrims. The Tehri Darbar says that it has done nothing of the kind. It says the truth is that nearly 90% of coolies employed by the pilgrims come from the Tehri State, nearly 5% from Nepal and the rest from other parts of British India. The Nepal Darbar has entrusted to the Tehri Darbar the duty of looking after the conduct of its subjects in the Tehri State. Registration of coolies to ensure the safety of pilgrims and to establish the identity of coolies when required, has been found, in the nature of things existing in the hills, to be absolutely necessary. Registration is however optional and not compulsory. For the purposes of registration, the whole State is

divided into 64 ilakas, and at the commencement of the pilgrim season from each ilaka a coolie tandel of respectability, well-acquainted with the residents of his ilaka, is engaged; also Nepal tandels and British Garhwal tandels of similar qualifications. The Tehri Darbar has considered this a very great responsibility to discharge and has repeatedly pressed British authorities to take the work in their own hands. As a matter of fact the Darbar gave up the work in disgust for nearly two years, but the result of it was that three murders of pilgrims occurred during the period and no trace was found of the murderers. After this a Conference of two Commissioners, one District Officer, His Highness the Raja of Tehri and the Dewan met at Mussoorie to devise ways and means to ensure the safety of the life and property of pilgrims, with the result that a well-considered scheme of registration was laid down, and one anna per rupee of coolie wages was fixed as registration charge to defray the expenses of the registration staff etc. The rules are published on the back of every receipt which is kept in triplicate, and the Tehri Darbar believes that it is impossible for any registration moharrir to realise more fee than what is prescribed. The statement in the pamphlet that exorbitant amounts have been charged will, I am assured, on investigation be found to be incorrect. Nor is there any justification for saying that if the Puri area is transferred to the Tehri Darbar it may impose a new pilgrim tax to meet the cost of administration of the area.

13. Equally incorrect are the statements about the distances of Badrinath from the Tehri borders and other places in the State. The survey maps establish this beyond dispute. The Tehri State borders the Kedarnath Temple. Chamoli the head-quarters of the sub-division in which Badrinath is situated is equidistant to the borders of the State from Badrinath. Tehri is nearer than Pauri, the head-quarters of British Garhwal.

14. The writer of the pamphlet says: "The temple entry movement has created another complication. The supporters of the movement oppose the transfer, because they fear that they have greater chances of success in British India than in the Tehri State; they fear that if the Tehri Darbar is against temple entry, it will meet their Satyagrah, if launched with bullets. Support is lent to this apprehension by the Rawain shooting and the persistent rumour that the Dewan has represented to the authorities that the Darbar can tackle

the question better than the Government. "Those who are opposed to temple entry are afraid that as Malviyaji was invited by the Darbar, and is believed to have supported the transfer, the Darbar must have assured him that it would recognise the right of Harijans to enter the temple. Even these people would not like to see human blood shed in the sacred Puri."

The writer says he does not know what views the Darbar holds on the question. He should not therefore have made the many assumptions which he has made against the Darbar. What justification can there be for him to assert that "*If the Tehri Darbar is against temple entry, it will meet the Satyagrah, if it is launched with bullets*". The "persistent rumour" referred to by the writer in the quotation given above, is so utterly absurd on the face of it that it is a pity that the writer should have put it forward.

15. Mr. Gairola says: "Those who know the internal conditions of the State can say that the management of the temples of Gangotri, Jamnotri, and Raghunathji which lie in the Tehri State is as bad as, if not worse than that of Badrinath." I am told that this is the first occasion when the Tehri Darbar has been accused of mismanaging the temples in its own territory. It is claimed for the Tehri Darbar that no complaint has been heard up to the present day with regard to the management of the temples within the State. The route to Gangotri is no doubt more difficult than the one to Badrinath. But this is solely due to the topographical conditions of the two areas through which the roads pass and not to any neglect of duty on the part of the ruling authority. The recent construction of the two girder bridges over the Ganges on the Gangotri road, with a width of 12 feet, with the ultimate object of providing for passage of motor cars, if at any future time the construction of a motor road to Gangotri should be decided upon, and the very expensive project of providing a fifty miles motor road from Muni-ki-reti to Deoprayag, ten miles of which has already been constructed, are proofs of the solicitude of the Tehri Darbar for the comfort of the pilgrims. As the writer has not mentioned any specific charge of mismanagement, it is impossible to say what he had in his mind when he made such sweeping remarks about the management of the temples of the State by the Tehri Darbar. No management can be perfect, and I feel certain that suggestions for improvement can be made to

the Tehri Darbar with the confidence that they will receive due consideration from His Highness and his Government.

16. We have to remember on the other hand that the Rawal is a paid servant of the temple on a monthly salary of Rs. 200/-. As it was laid down in the Scheme of management of November 1899 that the Rawal "is the trustee of the temple and its property and the entire management is entrusted to him", he has disregarded the obligations laid upon him of conducting the affairs of the temple with the approval of the Tehri Darbar and of submitting annual accounts of the temple to it. As many complaints arose against the Rawal's management of the temple affairs, in the year 1923, the Tehri Darbar sent a manager to supervise those affairs, but the Rawal objected to any interference by him. On the refusal of the Rawal to render accounts to him, which he was bound under the scheme of management to do, the Manager put in his own lock in addition to the lock of the Rawal on the treasury door till orders directing him what to do under the circumstances had been received. The Rawal thereupon filed a criminal complaint against the manager in the local British Court for criminal trespass and the Manager was prosecuted, though the case was eventually withdrawn. After that incident the Tehri Darbar told the Government that it was impossible for it to carry on the religious and financial management of the temple until civil and criminal jurisdiction of Puri Badrinath was transferred to the Tehri State, for until that was done, difficulties which had been experienced in the above mentioned case might occur again.

17. It is admitted on all hands that the management of the temple affairs by the Rawal has been open to grave objections, and various proposals have been made during the last ten years for its improvement. Thus in a note in connection with the settlement of the worship and funds of the temple of Sri Badrinathji dated 28th January 1921, Pandit Anusuya Prasad Bahuguna wrote:

"(1) The Tehri Darbar is at the head of the temple establishment and can interfere at any time in any case for the proper worship and in the interest of the good management of the funds of the temple. This is clearly borne out by the whole history of the temple, the latest scheme of management and the following interpretation of it by the Commissioner in Agency appeal No. 8 of 1915, viz. "It is for the Tehri

Darbar, if it is for any one, to consider the justice of the Rawal's orders. The Commissioner has handed over all such powers to Tehri".

"(2) That the temple funds are not properly managed at present and that the Tehri Darbar has power to interfere by itself in, or to take proper steps for the management of the temple funds is clear from the Commissioner's judgment in the same case that is referred to above, in which the Commissioner requested the Tehri Darbar to see that "no further delay is permitted in the settlement of the management of the temple funds". He observed: "From correspondence in this case and from outside complaints, it is quite clear that the Rawal requires far more assistance in secular matters than he permits to be rendered him at present."

Pandit Tara Datt Gairola was deputed to Badrinath as the Tehri Darbar's legal adviser and he himself wrote a long report forcibly urging upon the Darbar the necessity of taking steps, with the assistance of Government, for the improvement of the alarming state of affairs which had come to his notice.

In 1925 the U. P. Dharma Rakshan Sabha of Lucknow came to the conclusion that the best solution of the present difficulties lay in the transfer of the sovereign jurisdiction of Puri Badrinath to the Tehri Darbar. As the Tehri Darbar have said in their letter dated 19th April, 1933, which was published in the Hindustan Times of the 29th April 1933, "this clear and emphatic expression of Sanatan Dharma public opinion was one of the important factors which led the Tehri Darbar to make a representation to the United Provinces Government for the transfer of jurisdiction of Puri Badrinath to the Darbar."

Again in a letter dated the 9th November 1927, the Hon'ble Raja Sir Ram Pal Singh, K. C. I. E., President of the U. P. Dharma Rakshan Sabha, communicating the views of the Sabha to His Highness of Tehri (Garhwal) State, said :—

"The Home Member's suggestion that the temple should be managed either by the Darbar or by the Sabha will be as acceptable to us as I learn it is to Your Highness. I may be permitted to submit that management by the Sabha is synonymous with management by the Darbar, for the Sabha will, if called upon to do so, manage it in the name and on behalf of Your Highness on whom it will always rely for guidance and help."

"Similarly if the British Government cedes the necessary territory to Tehri Garhwal, and I consider it ought to do so, the temple can very efficiently be managed by the Darbar. I am assured by Pandit Brijnath Sharga, who has made a study of almost all the laws on public endowments that the Tehri Act I of Samvat 1981 is the best. If the temple stands in British India, the sole control of the Darbar might lead to complications. It is therefore essential that the territory on which the temple stands and a sufficiently large tract around it should be made over to the Darbar."

18. In 1928 the Hindu Charitable Endowments Committee was to visit Tehri Garhwal. At that time 164 Dimris and property owners and others in Badrinath headed by Pandit Ghanshyam Dimri, submitted a representation to His Highness the Raja of Tehri, in the course of which they said :—

"In connection with this Committee our prayer to your Highness is that your Highness will not allow this Temple, which has been preserved according to the Sanatan Dharma traditions, to pass into the hands of this Committee, but protect the Temple in the best possible manner, and determine the rights of right-holders, so that there may be left no ground for quarrels among them for the future, and after framing rules about the future management of the temple not to let the responsibility for the management and protection of the Temples and places of pilgrimage pass out of your hands"..... "Your Highness will protect the Temple because the name 'Hindu Endowments Committee' alone cannot inspire confidence in our minds that this Committee will preserve the Sanatan Dharma along with the rights we enjoy and protect the Temple in the same manner as the Tehri Maharajas have done from time immemorial."

19. Thus strongly supported by the expression of Sanatan Dharma public bodies and persons the Tehri Darbar said in the representation they made to the British Government, for the transfer of the jurisdiction over Puri Badrinath to it, that the Darbar felt that it was impossible for it to carry on the religious and financial management of the temple until civil and criminal jurisdiction of Puri Badrinath was transferred to it. The U. P. Government have recognised the reasonableness of the position taken up by the Darbar

and they have expressed their willingness to re-transfer jurisdiction over Puri Badrinath to the Tehri Darbar. But they have desired to ascertain the views of the Hindu public in the matter before arriving at a final decision. Replying to a deputation which waited on him on September 6, 1932 at Pauri (Garhwal) His Excellency Sir Malcolm Hailey said: "The U. P. Government would be glad if the entire management of the Badrinath temple goes to the Tehri Darbar. Government does not want to interfere in matters connected with religion. The Government is however desirous that the sentiments of those people who are affected in such matter are satisfied. As the Tehri Ruler does not want any thing short of transfer of jurisdiction, the question naturally arises whether those people residing in Badrinath will be agreeable to come under the civil and criminal jurisdiction of the Tehri ruler." Replying to another address His Excellency said: "As regards Badrinath in particular, our difficulty is shortly this. It is doubtful if a purely local Committee, composed of the personnel available on the spot, could control the conflicting claims of the temple authorities the Dimris and the Pandas more efficiently than is secured under the system provided by the scheme of management sanctioned by the High Court in 1899. It seems on the other hand obvious that a Committee of all India Composition would be unable to function in this remote and secluded area. Moreover the Ruler of the State of Tehri-Garhwal has an interest in this matter which it is by no means possible to neglect." Since the attitude of the Government was so clearly expressed by His Excellency, the bulk of Sanatan Dharma organisations have strongly supported the proposed transfer, while a few have opposed it.

20. Subsequent to this to remove all misapprehensions, in a letter addressed to the Secretary, Dharma Rakshan Sabha, dated April 19, 1933, the Tehri Darbar have made a very timely pronouncement of their position and intentions in relation to the proposed transfer. They have said :—

"It is admitted on all hands that the present management of the temple is far from satisfactory, and proposals for its improvement have for some time past engaged the attention of the Sanatan Dharma public as well as of the Tehri Darbar. You will remember that in 1925, your Sabha came to the conclusion that the best solution of the present difficulties lay in the transfer of the sovereign jurisdiction of

Puri Badrinath to the Tehri Darbar. This clear and emphatic expression of Sanatan Dharma public opinion was one of the important factors which led the Tehri Darbar to make a representation to the United Provinces Government for the transfer of jurisdiction over Puri Badrinath to the Darbar. Since that time and particularly during the last few months a large number of important Sanatan Dharma organisations have supported the proposal while a few have opposed it. It can safely be asserted that the opinion of the Sanatan Dharma organisations is overwhelmingly in favour of the proposal. But the Darbar is anxious that, so far as it lies in its power, it should remove every misapprehension which is entertained in this connection by any follower of the Sanatan Dharma. With this object in view the Darbar desires to make known the action that it intends to take in the event of the proposal for the transfer being accepted by the Government."

"You are probably aware that all temples and shrines in the Tehri State are managed under the State Tirth Sudhar Act which has been supplemented by rules and regulations, based on ancient custom and usage, which have been embodied in a Code relating to each shrine. The Tehri Darbar recognises that the temple of Badrinath is a shrine in which the whole Sanatan Dharma world is interested. In view of this fact, should the proposed transfer take place, the Tehri Darbar intends to pass a Special Act for the management of the Badrinath temple and the lands attached to it. While doing so, the Darbar will invite the opinion of Sanatan Dharma organisations and other prominent representatives of Sanatan Dharma, and will give due consideration to these opinions in giving final shape to the enactment in contemplation. The Darbar is willing to leave the selection of representatives of Sanatan Dharma public bodies, entirely in the hands of those bodies and of leaders of Sanatan Dharma in British India."

"Another apprehension has been expressed that the rights of the property owners in Badrinath will be adversely affected by the proposed transfer. This apprehension also is without foundation. Property owners in Tehri town and Deoprayag which are in the Tehri State enjoy the same proprietary rights and privileges as property owners in Badrinath Puri enjoy. Besides the Tehri Darbar has issued a communique that the rights of the property owners in Puri Badrinath will

remain unaffected in case the proposed transfer of jurisdiction takes place."

..... "I have stated above the views which the Tehri Darbar holds at present regarding the action it will take in case the proposed transfer takes place. But it will be glad to consider any other proposal which may be suggested and to invite the co-operation of the Sanatanist public in placing the management of this important temple on as satisfactory a footing as may be possible."

This should give perfect satisfaction to every resident of the Puri area and to every follower of Sanatan Dharma.

21. It is admitted on all sides that the present ruler of the Tehri State is a strict Sanatanist. But it is asked what guarantee is there that his descendents will remain orthodox? To this my answer is that in the nature of things, there is much greater guarantee that the religious traditions and orthodox practices which have been followed in a Hindu State for ten to thirteen centuries will continue to be observed than that they will be followed under the administration of Committees appointed from time to time by a Legislature consisting of members of different faiths and various beliefs to work in the far off snowy regions of the Himalayas. The guarantee seems to be all the stronger when it is remembered that the State in question has through centuries made exceedingly large endowments of property and has made other contributions whenever needed for maintaining the worship in the Temple. It should also be remembered that Tehri Darbar holds charge of Gangotri and Jannotri shrines which lie in the Tehri State, and which are allied shrines in the holy region of the Utrakhand. Obviously it will conduce largely towards the preservation of the traditions of these shrines, if they are all under one management. It should not be forgotten that like those shrines, the temple of Badrinath would have continued in the Tehri State, had not the misfortune of invasion of Tehri Garhwal by the Gurkhas, made it necessary for the then Ruler of Garhwal to seek the help of English Government to recover his lost kingdom and in consequence thereof to cede the Puri area to the Government. Every Hindu must feel thankful that to fulfil the assurance which it gave to the ruler of Tehri, the Government is willing to return to this ancient Hindu State that portion of the ceded territory in which the most sacred shrine of Badrinath lies. As the present ruler

of Tehri is happily acknowledged to be very orthodox in his beliefs and ways of worship and devoted to Sri Badrinathji, we should trust him and help him to ensure the continuance of the traditional ways of worship at the temple by passing an Act, similar to that he has already passed under the name of a "Tirth Sudhar Act", for the proper management of the temple of Badrinath, after inviting and considering the opinions of accredited Sanatanist representatives of Hindu States and acknowledged leaders of Sanatana Dharma which His Highness has expressed his willingness to do.

22. Sometime ago a statement was published in the Leader over the signatures of a number of Hindu and some Muslim members of the U. P. Legislative Council, in which it was stated that "in their opinion it is not in the interest of the Hindu Community that the Badrinath temple should be handed over to the Government of the State." This opinion was based on the grounds that "if Badrinath remains a part of British territory the people of British India will have opportunities of bringing about necessary improvements in the management of the temple and of seeking for redress of grievances which will be denied to them if the possession and control of the Puri area should be made over to the State." In my opinion in the first place truth and justice demand that possession and control of the Puri area should be made over to the Tehri State in fulfilment of the assurance given to it by the British Government, as experience has shown that effect cannot be given to that assurance without such transfer. In the second place, it seems to me that the objection mentioned above is met by the fact that His Highness the Raja Saheb of Tehri has agreed to pass a Special Act for the administration of the financial and religious affairs of the temple of Badrinath after inviting and considering the advice of Acharyas of religion, representative rulers of Indian States and of important Sanatan Dharma organisations and prominent representatives of Sanatan Dharma both in British India and Indian India. It is safe to assume that a scheme for the administration of the temple framed by the Government of a Ruler who is known to be devoted to the service of Sri Badrinathji and whose ancestors have for more than a thousand years worshipped at that shrine, after consulting recognised representatives of Sanatan Dharma, will be much more acceptable to the followers of that Dharma than that the affairs of the temple should be placed under the control of the

Legislative Council of the United Provinces composed as it is, and as it will be, of a large number of members, who have no interest in the religious administration of the Temple. Even the Hindu members of the Council will include some who are not followers of Sanatan Dharma and have no faith in this method of the worship of God. I therefore appeal to all those members of the Legislative Council who signed the manifesto published in the Leader of 16th July, 1933, to reconsider the matter in the light of the statement published by me in the Leader of 31st July last and of this statement. I request them also to bear in mind that if Puri Badrinath is to remain a part of British India and the administration of the temple affairs is to be placed under the jurisdiction of any legislature in British India, it will be urged with much reason that, as the temple of Badrinath is a concern of Hindus of all parts of India including the Indian States, its affairs should be placed under the jurisdiction of the Central Government and not under the Government of the United Provinces. But I beg my fellow-religionists and members of the local Legislative Council who know how canvassing and party politics not unoften affect the decision of public questions in the legislature, to keep the management of the sacred shrine of Badrinath (and generally of temples, mosques and churches) out of the jurisdiction of a legislature composed of members belonging to different faiths and denominations. If the affairs of our religious institutions are brought under the control of legislatures composed of men of various faiths, one obvious evil of it may be that an attempt may be made to divert the funds of such institutions to purposes other than those for which they are meant. That this is a real danger is made clear from what we have seen in this very case. One of the grounds on which the District Board of British Garhwal opposed in their address to His Excellency, the Governor, the proposal to transfer the temple area to the Tehri Darbar was that in their opinion the temple funds should be utilised for the purposes of the District Board of Garhwal instead of for religious purposes. With reference to this proposal His Excellency told the deputationists: "But I do not appreciate the meaning of your suggestion that the surplus revenue from Badrinath and Kedarnath could be utilised for works of this nature (repairs to District Board roads). We have not so far heard of the existence of the surplus revenues; the contrary is indeed the case. Nor do I believe that public opinion in this province would

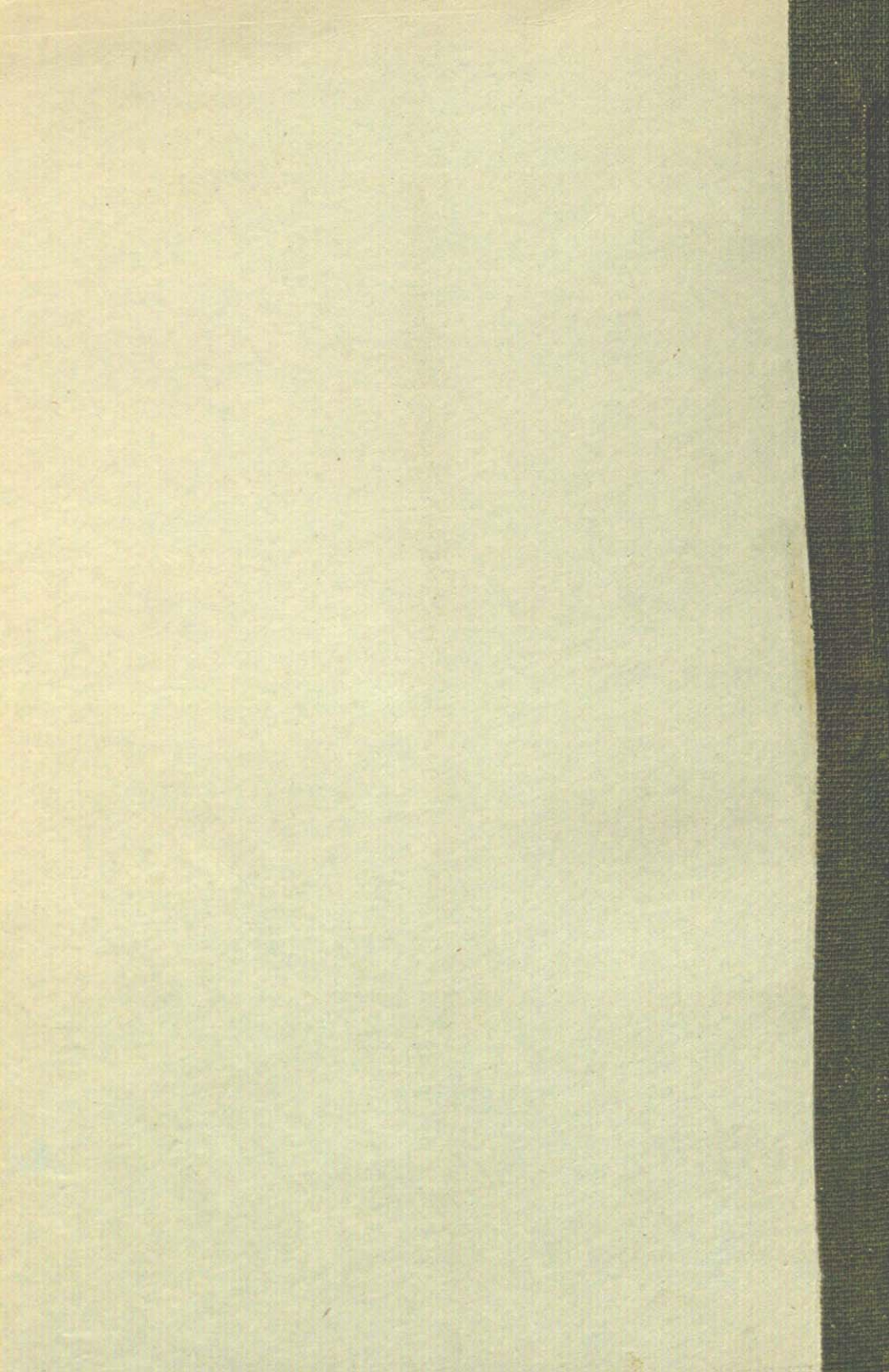
support the sequestration of religious funds, either Hindu or Muslim for use by local authorities." It was well that His Excellency so clearly expressed his disapproval of the suggestion. But the apprehension is reasonable that if the affairs of the temple are brought under the jurisdiction of the legislatures, trouble will arise again in the future, and this ought to be avoided.

For all the reasons stated above, I feel that the arrangement suggested in my statement under which the Special Act for the management of the temple which His Highness the Raja of Tehri has agreed to pass will be framed after inviting and considering opinions of recognised followers of Sanatan Dharma both among the princes and people of India, and under which the executive control and custody of the large property and income and of the other affairs of the temple of Badrinath will rest with the Ruler of a Hindu State whose interest in this matter, as Sir Malcolm Hailey has rightly observed "it is by no means possible to neglect," a State which has been the devoted servant and guardian of the temple for several centuries, and the co-operation of which is essential for maintaining the traditional worship and observances and ceremonies of the temple, will be by far the most appropriate arrangement for the satisfactory future management of the temple,—both just and wise—a thing devoutly to be wished for. I earnestly hope that after considering all that has been said on the subject, every lover of Sanatan Dharma will find himself able whole-heartedly to support the proposed transfer.

Benares,
15th January, 1934,

MADAN MOHAN MALAVIYA.

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